

## REMARKS

### *In the Specification*

The specification is objected to as failing to properly note the trademarks used in the detailed description of the present invention in the application as filed. Applicant is providing the replacement paragraphs below to properly note the trademarks in the specification in capitalization. Withdrawal of this objection is respectfully requested.

In compliance with 37 CFR 1.121 which requires that an amendment to delete, replace, or add a paragraph. Amendments to the specification, including amendment to a section heading or the title of the invention which are considered for amendment purposes to be an amendment of a paragraph, must be made by submitting:

(1)(i) An instruction, which unambiguously identifies the location, to delete one or more paragraphs of the specification, replace a paragraph with one or more replacement paragraphs, or add one or more paragraphs;

(1)(ii) The full text of any replacement paragraph with markings to show all the changes relative to the previous version of the paragraph. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters.

Applicant respectfully submits the following Replacement Paragraphs for paragraphs 50 and 51 of the specification as submitted correcting the use of trademarks in capitalization. Withdrawal of this objection is respectfully requested.

In paragraph 50 the text should be should be amended as shown:

[0050] FIG. 1 illustrates a functional diagram of a computer network for World Wide Web 500 access to the System 1 from a plurality of Users 10 who access the System Web Server and Database 310 via the System Web Site 100 or a plurality of Service Provider Websites and Internet-based Icons 200 from the Users' Computers 15 and Telephones 17. Accessing the System Web Site 100 or the Service Provider Websites and Internet-base Icons 200 can be accomplished directly through a communication means such as a direct connection, an intranet, a local Internet Service Provider, often referred to as ISPs, or through an on-line Service Provider like ~~CompuServe, Prodigy, American Online,~~ COMPUSERVE, PRODIGY, AMERICAN ONLINE, etc. or Wireless devices using services like AT&T or ~~Verizon~~ VERIZON.

In paragraph 51 the text should be should be amended as shown:

[0051] The Users 10 contact the System Web Server and Database 310 via the System Web Site 100 or the Service Provider Websites and Internet-base Icons 200 using an informational processing system (Client) capable of running an HTML compliant Web browser such as ~~Microsoft's Internet Explorer, Netscape Navigator, Lynx and Mosaic~~ MICROSOFT'S

INTERNET EXPLORER, NETSCAPE NAVIGATOR, LYNX and MOSAIC. A typical system that is used is a personal computer with an operating system such as ~~Windows~~ WINDOWS 95, 98 or ME, NT, 2000 or ~~Linux~~ running LINUX running a Web browser. The exact hardware configuration of computer used by the Users 10, the brand of operating system or the brand of Web browser configuration is unimportant to understand this present invention. Those skilled in the art can conclude that any HTML (Hyper Text Markup Language) compatible Web browser is within the true spirit of this invention and the scope of the claims.

In paragraph 52 the text should be should be amended as shown:

[0052] In one preferred embodiment of the invention, the Users 10 and Service Providers 20 can connect to the System Web Site 100 via the Internet 500 using their respective Computers 15 and 25 to register their accounts. In the preferred embodiment the system has numerous web pages. The information in the web pages is in HTML format via the HyperText Transport Protocol (http) and on Server System 310. The User System 310 allows the viewing of web pages and the inputting of User 10 and Service Provider 20 information to be stored in the System Database 310, through commonly used software referred to as a Web Browser, such as ~~Communicator~~ COMMUNICATOR available from ~~Netscape Communications Corp.~~ NETSCAPE COMMUNICATIONS CORP. or ~~Internet Explorer~~ INTERNET EXPLORER available from ~~Microsoft Corp.~~ MICROSOFT CORP. The system is capable of accessing web pages located on Server System 310.

***Claim Rejections under 35 USC 112, first paragraph***

Claims 1-18 are rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement.

With respect to claim 1, Examiner alleges that the negative claim limitation renders the claim indefinite. Applicant has amended the claim to remove the negative claim limitation. Withdrawal of this rejection is respectfully requested.

Claims 2-18 are dependant on claim 1 and Examiner has rejected those based on the underlying rejection to claim 1. Applicant has amended claim 1 to overcome the rejection. Withdrawal of this rejection is respectfully requested.

### ***Rejections Under 35 USC 103***

A prima facie case of obviousness is established when an examiner provides:

1. one or more references
2. that were available to the inventor and
3. that teach
4. a suggestion to combine or modify the references,
5. the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art.

Accordingly, an applicant who is able to prove that the Examiner has failed to establish any one of these elements will prevent the prima facie case of obviousness from being established.

Claims 1-8, and 10-17 stand under 35 USC 103(a) as being unpatentable over Faber (US 2002/0010608) in further view of Lurie 1, et al. (U.S. 7,289,623), hereafter referred to as ‘623 or “Lurie 1”. With respect to claims 1-8, and 10-17, Examiner cites Lurie 1, stating that it discloses a method of connecting two parties in real time.

With respect to claim 1, Applicant has previously amended claim 1 to include the claim limitations for providing an “Internet platform” providing the communication means as well as the transaction settlement functions between the parties. Additionally, Applicant, at the suggestion of the Examiner, previously amended Claim 1 to include the negative claim limitation that method does not use or offer voicemail telephone services. Although negative claim limitations are not desired, they are allowed under MPEP 2173.05(i) and Applicant’s specification clearly recites this position and the lack of use of telephone services and voice mail, as required. In the present office action, Examiner now rejects to he previously suggestion, which was incorporated by Applicant. Applicant has now removed the negative claim limitation

but amended the claim to more explicitly and narrowly claim the invention so that the claim can not be interpreted or defined to include voicemail telephone services.

With respect to claim 1, previously amended to include the claim limitation previously found in claim 9, the present invention includes the specific limitation of “prompting said User to send an email to the Service Provider if Service Provider is busy or unavailable”.

Lurie 1 and Lurie 2 (previously cited by the Examiner) disclose a method and apparatus for ensuring a real-time connection between users and selected service providers using voice mail. The Lurie systems enable seekers of a wide array of services to select, contact, converse, and pay for a service provider *using a communications device such as the telephone*. A seeker locates a service provider by providing the name of a profession, which is recognized by the system's software. Once a service provider is selected, the system connects the seeker with the service provider for a live conversation. However, during service provider unavailability, the system enables the seeker to leave a voice mail message for the service provider and reconnects the user and service provider once the message is reviewed by the service provider. The systems automatically bills the seeker for the time spent conversing with the service provider and compensates the service provider.

In contrast to Lurie 1, the present invention does not require the use of a single telephone device, which limits the teaching in Lurie 1 to a single voice message. The present invention does not utilize or include a voice mail option as there is no connection formed or based in response to a voice mail as taught by Lurie 1.

In the present invention a user initiates a call by selecting a service icon on a website, then decides to whom they wish to speak. Next a username and password is entered to access the system to connect with the Service Provider, the user enters their phone number, and place

the call. A pop-up widow then provides the user with a rate for the call and account balance. The call is initiated and the system provides the connection means, settles the transaction amount, deducts fees, and provides payment to the Service Provider.

5 The present invention is a hosting platform for independent advisors and/or agents who build a group of advisors that can then provide advice to users. The platform also provides means for communication and payment settlement.

Additionally, with respect to claim 1, Applicant has previously amended the claim to include the specific limitation describing that the email is integrated with the Internet platform. In the present invention, if the Internet platform detects that the service provider is unavailable, it  
10 alerts and notifies the User to send an email to the Service Provider, as not claimed. The alert and email prompt is integrated into the Internet platform and is triggered in the event of an unavailable Service Provider, Examiner is correct in this understanding that the alert and email is an alternative to the call be initiated.

Applicant has also previously amended claim 1 to include the limitation “providing an  
15 Internet platform wherein said Internet platform is an Internet-based system used to initiate a live conversation with a Service Provider via a computer or other electronic mobile device over the Internet;” which properly amends the claims to include the limitations argued by Applicant.

In view of Applicants current and previous amendments to the claims, Withdrawal of this rejection is respectfully requested.

20 With respect to Claim 2, Applicant disagrees that Lurie 1 teaches having a pop-up window prompting a user to enter their phone number to make a connection. Laurie teaches a communications network providing speech communication such as a switched telephone network, *but not a network for making a connection and carrying anything more than speech.*

Lurie 1 requires the customer information so that is can use the customer information such as an phone number or ID to access database information on a computer about the customer ('149 Col. 6, ll57-60). Here Lurie 1 fails to teach the claim limitation of the present invention. Examiner did not make this assertion in the first office action choosing to combine Laurie 2 with another prior art document to teach this limitation, and again fails to show its teaching in Laurie alone.

With respect to claim 2, Applicant has amended claim 1 and now claim 2 to explicitly include the Internet platform, which provides means "to initiate a live conversation with a Service Provider via a computer or other electronic mobile device over the Internet" and "for making a connection and transferring speech and text".

In view of Applicants previous and current amendments to the claims, Withdrawal of this rejection is respectfully requested.

With respect to Claims 3-17 Applicant relies on the arguments present for claims 1 and 9 above, from which Claims 3-17 all depend. Withdrawal of this rejection is respectfully requested.

Claim 18 stands rejected under 35 USC 103(a) as being unpatentable over Laurie 1 in further view of Penfield, et al, (6,508,173) and Olshansky (U.S. 6,493,437).

In contrast to Lurie 1, the present invention does not require the use of a single telephone device, which limits the teaching in Lurie 1 to a single voice message. The present invention does not utilize or include a voice mail option as there is no connection formed or based in response to a voice mail as taught by Lurie 1.

In the present invention a user initiates as call by selecting a service icon on a website, then decides to whom they wish to speak. Next a username and password is entered to access the system to connect with the Service Provider, the user enters their phone number, and place the call. A pop-up widow then provides the user with a rate for the call and account balance.

The call is initiated and the system provides the connection means, settles the transaction amount, deducts fees, and provides payment to the Service Provider.

Applicant has previously amended claim 18 to depend on claim 1 to clearly recite and claim a computer network as opposed to a telephone network, which is argued by Applicant in view of the cited prior art. Applicant concedes that Penfield teaches a method for determining the total minutes a User can make on a given phone call, based on their account balance or debit/credit card balance in existence to make immediate payment without resulting in an outstanding balance owed to a provider.

Penfield does not teach the claim limitations for

- “extracting Service Provider per minute compensation rate from a System Database”  
or
- “determining total minutes said User can connect to a Service Provider until said User’s account balance reaches zero”.

Penfield does not teach or suggest use within a system of multiple provides with varying call rates or the use of various Service Providers. Penfield is directed to “a system of rating and debiting complex debit card calls. Also, there is a need for a system that coordinates call rating and debiting functions for all calls for a given subscriber to ensure that the charges incurred do not exceed the available balance in the subscriber's account. And finally, there is a need for these capabilities in real time.” See Col. 1, ll. 35-42.

Penfield at Col. 3, ll 18-21 does suggest that variable rates could be used, but the preferred invention of Penfield does not describe this use and a variable rate is only mentioned in passing and the use of variable rates associated with a plurality of Service Provides is neither



taught nor suggested for the billing system of Penfield to be used in combination with either Lurie 1 or Olshansky.

With respect to Olshansky, Examiner admitted in the Office Action with a mailing date of December 7, 2007 on page 9 that:

- 5                   ➤ “Olshansky does not explicitly teach dividing the User account balance by the Service provider per minute compensation rate.”
- “Olshansky does not explicitly teach determining total minutes said User can connect to a Service Provider until said User’s account balance reaches zero.”
- “Olshansky does not explicitly teach :extracting Service Provider per minute
- 10                   compensation rate from System Database”.

Examiner’s own words make the possibility of an obviousness rejection impossible under 35 USC 103(a) as Olshansky fails to teach three claim limitations (element 3 of a proper 103 rejection) and the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art (element 5 of a proper 103 rejection).

In the present invention as well as Lurie 1 and Faber, both parties, the user and service provider both have a desire to be connected and the service provider does not need information retrieved based on the caller’s id, the user would have the information provide to them ahead of time or directly by the user in a confidential manner to have their questions answered or receive

20   the advices they are seeking. Examiner states that “one of obvious of ordinary skill in the art would have been motivated to combine the teachings of Faber and Lurie 1 with Penfield, Olshansky to properly determine how long a user can connect to a service provider and provide a graphical interface displaying real-time information of a user account balance for merely

enhancing the interaction is unsustainable. The service providers have a specialty area and are offering their knowledge and information or advice in that area to user who are seeking it, they are not looking to sell a user additional services to make the system more money and would be un-interested in such additional information. There is no motivation to combine the teachings of Lurie 1 and Faber with Penfield and Olshansky. In view of Applicant's previous and current amendments to the claims, Withdrawal of this rejection is respectfully requested.

Claim 19 stands rejected under 35 USC 103(a) as being unpatentable over Faber, Laurie 1, Penfield, Olshansky, and Ling. Examiners states that "one of obvious of ordinary skill in the art would have been motivated to combine the teachings of Faber, Lurie 1, Penfield, and Olshansky to Ling to allow the user to have an easily accessible way of being able to add funds to their accounts is unsustainable. The service providers have a specialty area and are offering their knowledge and information or advice in that area to user who are seeking it, they are not looking to sell a user additional services to make the system more money and would be un-interested in such additional information. Further more, Ling is directed to systems and methods for conducting electronic commerce using electronic tokens. The present invention does not teach, suggest, or use token or any other currency replacement in any way. There is no motivation to combine the teachings of Lurie 1, Faber, Penfield and Olshansky with Ling as neither Lurie 1, Faber, Penfield nor Olshansky teach, suggest of use tokens or any other currently replacement during their transaction processes. Withdrawal of this rejection is respectfully requested.

Additionally, with respect to claim 19, Applicant relies on the arguments present for claim 18 above, from which Claim 19 depends. In view of Applicant's previous and current amendments to the claims, Withdrawal of this rejection is respectfully requested.

## CONCLUSION

For all the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance and that action is earnestly solicited.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely.

Respectfully submitted,

/MatthewTWelker/

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